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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,409	07/21/2003	Mario Punchard		6802

7590 05/23/2005

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EXAMINER

HSIEH, SHIH YUNG

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,409

Applicant(s)

PUNCHARD, MARIO

Examiner

Shih-yung Hsieh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 4-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belli in view of Link et al.

Regarding claim 1, Belli discloses a drum tuning system comprising a rigid hook bolt (Fig. 3 shows a rigid hook, and col. 5, line 45); a brace ring (18) retaining one end of the hook bolt, and another end of the hook bolt is adjustably coupled to a tensioning mechanism (14, col. 5, lines 44-48).

The difference between Belli's system and claim 1 is that claim recites a toggle clamp comprising a hinged lever handle connected to a base plate via an axle pin, and another end of the hook bolt is adjustably coupled to the toggle clamp handle.

Link et al. teach a toggle clamp (14) comprising a hinged lever handle (11) connected to a base plate (7) via an axle pin (10), and another end of a hook (12) is coupled to the toggle clamp handle for providing a quick acting clamping and tuning system (abstract).

It would have been obvious to one having ordinary skill in the art to modify Belli's system as taught by Link et al. to include a toggle clamp comprising a hinged lever handle connected to a base plate via an axle pin, and another end of the hook bolt is

adjustably coupled to the toggle clamp handle for the purpose of providing a quick acting clamping and tuning system.

Regarding claim 4, Belli discloses the claimed invention (18 in Fig. 2 shows holes and tabs).

Regarding claim 5, Belli discloses the claimed invention (Fig. 3 shows a hook portion connected to a threaded portion to mate with a tensioning nut).

Regarding claims 6 and 7, Belli in view of Link et al. disclose the claimed invention.

Regarding claim 8, Belli discloses the claimed invention.

Regarding claim 9, Belli discloses the claimed invention except the means for pivoting one end of the engaging means away from the drum body, wherein the pivoting means is attached to the drum body.

Link et al. teach the means for pivoting one end of the engaging means away from the drum body, wherein the pivoting means is attached to the drum body. It would have been obvious to one having ordinary skill in the art to modify Belli's system as taught by Link et al. to include the means for pivoting one end of the engaging means away from the drum body, wherein the pivoting means is attached to the drum body for the purpose of providing a quick acting clamping and tuning system.

Regarding claims 10-15, Belli discloses the claimed invention.

Regarding claim 16, Belli in view of Link et al. disclose the claimed invention including a hook bolt portion connected to a threaded rod portion (Fig. 3 shows a hook

portion connected to a threaded portion to mate with a tensioning nut). See above reasoning.

Regarding claim 17, Belli discloses the claimed invention.

Regarding claim 18, Belli in view of Link et al. disclose the claimed invention.

3. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

syh


SHIH-YUNG HSIEH
PRIMARY EXAMINER